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10/707,393

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Mike Brown

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EXAMINER

WHIPPLE, BRIAN P

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|--------------------------------------|------------------------------------|--|
| Office Action Summary | Application No. 10/707,393 | Applicant(s) BROWN, MIKE | |
| | Examiner BRIAN P. WHIPPLE | Art Unit 2452 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 January 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,4-7,9,11-13 and 15-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,4-7,9,11-13 and 15-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1, 4-7, 9, 11-13, and 15-24 are pending in this application and presented for examination.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 1/6/09 has been entered.

Response to Arguments

3. Applicant's arguments, see page 7, filed 12/15/08, with respect to the 35 U.S.C. 112, first paragraph rejections of claim 5 and 13, have been fully considered and are persuasive. The 35 U.S.C. 112, first paragraph rejections of claims 5 and 13 have been withdrawn.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 5 and 19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

6. As to claim 5, the claim depends on “the method of claim 3.” However, claim 3 has been cancelled and thus the claim depends on cancelled subject matter. Appropriate correction of the claim’s dependency is required.

7. As to claim 19, the phrases “the loading the component” and “a failure associate with the component” appear to have grammatical errors that make the interpretation of the claim language difficult for the Examiner. The first phrase may be intended to read “the loading of the component” and the second phrase may be intended to read “a failure associated with the component.”

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a

person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 1, 4-5, 9, 11-13, 15-20, and 22-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cogger et al. (Cogger), U.S. Patent No. 6,032,184, in view of Buffalo et al. (Buffalo), U.S. Patent No. 6,957,257 B1, further in view of Jones et al. (Jones), U.S. Patent No. 6,219,648 B1, and further in view of what was well known in the art.

10. As to claim 1, Cogger discloses a method for network management (Abstract) comprising:

tracking changes to a plurality of components in a network through a network management engine (Col. 13, ln. 21-28, “automatic fault detection”);

modifying tracking information for tracking the plurality of components by the network management engine (Col. 13, ln. 21-28, “populates one or more of the ID type field, number field, product field, service field and trouble description field”);

detecting a failing component based at least in part on the tracking changes (Col. 13, ln. 21-28, “automatic fault detection”) and generating a problem ticket in response to the detecting (Fig. 5, items 204 and 208; Col. 12, ln. 64-66), wherein the problem ticket comprises information related to the failing component (Col. 13, ln. 42-46 and 50-52);

determining an owning group of the failing component;

routing the problem ticket to the owning group (Col. 15, ln. 66-67; Col. 16, ln. 7-9);
and
tracking repair status information for repairing the failing component (Col. 16, ln. 43-60).

Cogger is silent on implementing tracking modifications made by the network management engine on the network; and

comparing the repair status information to a pre-established service level agreement specifying a level of service expected for repair of the failing component by the owning group.

However, Buffalo discloses implementing tracking modifications made by a network management engine on one or more networks (Col. 8, ln. 44-54).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Cogger by implementing tracking modifications made by a network management engine on one or more networks as taught by Buffalo in order to monitor a network for status reports that are due or close tickets for old events (Buffalo: Col. 8, ln. 44-54), thereby updating concerned network elements of events and freeing up storage related to old events.

Cogger and Buffalo are silent on comparing the repair status information to a pre-established service level agreement specifying a level of service expected for repair of the failing component by the owning group.

However, Jones discloses comparing repair status information to a pre-established service level agreement specifying a level of service expected for repair of a failing component by an owning group (Abstract, ln. 1-15).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Cogger and Buffalo by comparing repair status information to a pre-established service level agreement specifying a level of service expected for repair of a failing component by an owning group as taught by Jones in order to ensure a trouble ticket is not left unresolved for an excessive amount of time.

Cogger, Buffalo, and Jones are silent on loading, by a network management engine, a component for execution;

linking, by the network management engine, the component to a network; and
modifying, by the network management engine, operating parameters of the component.

However, the Applicant does not form a correlation between the component being loaded, linked, and modified by the network management engine and the plurality of components tracked by the network management engine (as the “tracking changes...”

limitation introduces “a plurality of components” with no reference back to the component in the preceding three limitations). Therefore, the component loaded, linked, and modified by the network management engine may be interpreted to be the management software running on the network management engine.

Official Notice (see MPEP 2144.03) is taken that it was well known in the art at the time of the invention that network administrators could run software on a local computer that could then be implemented to manage clients on the network. Therefore, the software program would have to be loaded and linked to the network in order to manage the clients. It was also well known in the art at the time of the invention that an administrator could modify the operating parameters of a software program (e.g., create and modify access rules and/or read/write rights for clients).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Cogger, Buffalo, and Jones in the afore-mentioned manner as was well known in the art in order to allow a network administrator to utilize a software program to manage and monitor clients and their access and control over system and network elements.

11. As to claim 4, Cogger, Buffalo, and Jones disclose the invention substantially as in parent claim 1, wherein one or more of the plurality of components is accessible to users on the network (Cogger: Abstract, “customer workstation”).

12. As to claim 5, Cogger, Buffalo, and Jones disclose the invention substantially as in parent claim 3, wherein the changes to the plurality of components comprises at least one of adding, dividing, multiplying, recompiling, recoding and removing of a component (Col. 6, ln. 14-19, “determine if... the circuit impaired, for example by a cable cut, has been successfully restored”).

13. As to claims 9, 12, and 18-19, the claims are rejected for reasons similar to claim 1 above.

14. As to claim 11, Cogger, Buffalo, and Jones disclose the invention substantially as in parent claim 9, wherein the network management engine is configured to provide access to multiple subprograms (Cogger: Fig. 3; Buffalo: Col. 1, ln. 45-54 and 61-67; Jones: Col. 3, ln. 11-13 and 20-21).

15. As to claim 13, the claim is rejected for reasons similar to claim 5 above.

16. As to claim 15, Cogger, Buffalo, and Jones disclose the invention substantially as in parent claim 1.

Sub-programs may broadly be interpreted as lines of code. Clearly, the modification of operating parameters may be interpreted as comprising at least two lines of code.

17. As to claim 16, Cogger, Buffalo, and Jones disclose the invention substantially as in parent claim 1.

The region is not defined as a geographical region. Therefore, designations such as being either a client or server or either an administrator or user may be interpreted as the region of modification rights associated with the component.

18. As to claim 17, Cogger, Buffalo, and Jones disclose the invention substantially as in parent claim 16.

At the very least, component usage occurs in the respective embodiments of the prior arts and the combination of them.

19. As to claim 20, Cogger, Buffalo, and Jones disclose the invention substantially as in parent claim 1, but are silent on real-time batch processing.

However, Official Notice (see MPEP 2144.03) is taken that real-time batch processing was well known in the art at the time of the invention.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Cogger, Buffalo, and Jones by using real-time batch processing in order to enable automated management of the plurality of components.

20. As to claim 22, the claim is rejected for reasons similar to claim 16 above.

21. As to claim 23, Cogger, Buffalo, and Jones disclose the invention substantially as in parent claim 1, wherein the network management engine is accessible using a web-based interface (Buffalo: Col. 6, ln. 25-36).

22. As to claim 24, Cogger, Buffalo, and Jones disclose the invention substantially as in parent claim 1, wherein the tracking changes further comprises updating a database with the changes to the plurality of components, wherein the database is configured to store the changes to the plurality of components in the network (Cogger: Col. 6, ln. 10-14).

23. Claims 6-7 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cogger, in view of Buffalo, further in view of Jones, further in view of what was well known in the art, and further in view of Congdon, U.S. Publication No. 2004/0250117 A1.

24. As to claim 6, the claim is rejected for reasons similar to claim 1 above.

Cogger, Buffalo, and Jones are silent on instructions to add, by a network management engine, a component to a network.

However, Congdon discloses instructions to add, by a network management engine, a component to a network (Abstract).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Cogger, Buffalo, and Jones by adding, by a network management engine, a component to a network as taught by Congdon in order to detect a connected device, enable it for authentication, and then place it in the proper network (Abstract).

25. As to claim 7, Cogger, Buffalo, Jones, and Congdon disclose the invention substantially as in parent claim 6, wherein the instructions to generate network management information includes assigning metrics to the changes (Cogger: Col. 13, ln. 21-28, “populates

one or more of the ID type field, number field, product field, service field and trouble description field”; Buffalo: Col. 8, ln. 44-54; Jones: Abstract, ln. 1-15, “time duration”).

26. As to claim 21, the claim is rejected for reasons similar to claim 1 above.

Conclusion

27. Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRIAN P. WHIPPLE whose telephone number is (571)270-1244. The examiner can normally be reached on Mon-Fri (9:30 AM to 6:00 PM EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, John Follansbee can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Brian P. Whipple
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Examiner, Art Unit 2452
1/21/09

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